

# Staff Summary Report



To: Mayor and City Council  
Through: City Manager

Agenda Item Number 48  
Meeting Date: 01/25/00

**SUBJECT:** FUEL CENTER FOR FOOD 4 LESS #SGF-2000.70

**PREPARED BY:** Hector Tapia, Senior Planner (480-350-8331)

**REVIEWED BY:** Dave Fackler, Development Services Manager (480-350-8333)

**BRIEF:** This is the first public hearing for Fuel Center for Food 4 Less for an Amended General Plan of Development and a Final Plan of Development for Parcel 4

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** This is the first public hearing for **FUEL CENTER FOR FOOD 4 LESS** (Alexander Haagen, property owner, Center Trust, business owner) for a use permit and three variances to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

**#SGF-2000.70** An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue. **(Please see attachment #3 for list of use permit and variances.)**

Document Name: 20010125devsrh16 Supporting Documents: Yes

**SUMMARY:** This request is to appeal the Planning Commission denial for an Amended General Plan and a Final Plan of Development for a Food 4 Less Fuel dispensing facility. This proposal is within the Southern Palms Commercial Center, south of the Food 4 Less store and east of Joe's Crabshack restaurant. 20 spaces east of this restaurant will be eliminated to place the fuel pumps. According to the applicant, this fuel facility will serve as an extension of the services provided by Food 4 Less grocery store, a new major tenant in this commercial center. A use permit and three variances are requested with this proposal. The use permit is to allow a fuel facility in the PCC-2 Zoning District. One variance is to allow a fuel center facility away from an arterial street intersection. The other two variances are for building setbacks from interior property lines and to waive the required 6-foot masonry wall and 6-foot landscape strip buffer. Staff received letters of opposition and phone calls expressing concerns regarding this application. Staff believes that the proposed use is not appropriate for this location. The area proposed is next to an existing restaurant, due to aesthetics, on-site circulation for fuel pumps trucks, and the loss of 20 parking spaces do not warrant a positive recommendation. On December 12, 2000, Planning Commission denied this request by a 6-1 vote.

**RECOMMENDATION:** Staff – Denial  
Planning Commission - Denial  
Public - Opposition

- ATTACHMENTS:**
1. List of Attachments
  2. History & Facts
  3. Description
  - 4-5 Comments
  - 6-7 Conditions of Approval
  8. Location Map
  9. Amended General Plan and Final Plan of Development
  10. Elevations
  11. Appeal Letter and Explanation/Intent
  12. Letters of Opposition
  13. Updated Parking by Demand Study, 12/5/2000
  14. Previously approved Plan
  15. Planning Commission Minutes, 12/12/2000

## **HISTORY & FACTS:**

<u>February 7, 1963.</u>	Council approved a rezoning from R1-6 to PSC (PCC) and a General Plan of Development for University Mall Shopping Center at the NWC of Southern and McClintock.
<u>February 23, 1978.</u>	Council approved an Amended General Plan for 345,000 s.f. mall and 18 office and retail pads at the above site.
<u>April 9, 1981.</u>	Council approved a Final Subdivision Plat consisting of 10 lots and an Amended General and Final Plan of Development for Southern Palms Center consisting of 244,000 s.f. on 24.9 net acres.
<u>September 19, 1985</u>	Board of Adjustment approved a use permit and parking reduction from 1259 to 1224 spaces for Chevy's Diner and Bar in the 10,000 s.f. space adjacent on the south side to the subject suite. This use was never installed.
<u>March 8, 1988.</u>	Planning Commission approved an Amended General Plan with variances for landscape islands that was withdrawn before processing by City Council.
<u>January 15, 1989.</u>	Board of Adjustment approved a use permit and parking reduction from 988 to 976 for the 502 Club in part of the subject space, that had been occupied since 1982 by Bob Brown's Lounge and Bar.
<u>January 9, 1992.</u>	Council approved an Amended General Plan for McDonald's Restaurant on Parcel 7 of the Center that included a parking reduction from 65 to 51 spaces.
<u>May 14, 1992.</u>	Council approved an Amended General and Final Plan of Development for Southern Palms Shopping Center that included a use permit to allow parking to be based on demand (shared parking), subject to conditions that limited the amount of floor area devoted to restaurant and non-retail uses (see attached).
December 12, 2000.	Planning Commission (6-1 vote) denied this request by FUEL PUMPS FOR FOOD 4 LESS for an Amended General and Final Plan of Development, a use permit and three variances.

**DESCRIPTION:**

Owner – Alexander Haagen, Properties Operating  
Business Owner – Steven Perales, Center Trust (Food 4 Less)  
Applicant – Brian McFadden, Preconstruction Development Services, L.L.C.  
Architect – Edward H. Lucero  
Existing zoning – PCC-2  
Total site area – 25.09 net acres  
Total bldg. area – 252,505 s.f.  
Area of Proposed Fuel Pumps Canopy – 3,404 s.f.  
Parking required – Parking by Demand  
    Predicted by Model – 1,034 spaces  
    Parking Provided – 1,132 spaces

Bicycle Parking Required – 70 spaces  
Bicycle Parking Provided – 70 spaces  
Minimum Landscaping Required – 15%  
Landscaping Provided - 21%  
Maximum allowed Lot Coverage – 25%  
Lot Coverage Provided – 19.7% (total center)

**Requested Use Permit:**

Allow a fuel dispensing facility in the PCC-2 Zoning District.

**Requested Variances:**

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required 6-foot landscape buffer along all interior property lines.

## COMMENTS:

This request is for an Amended General Plan and a Final Plan of Development for a Food 4 Less Fuel dispensing facility to be located within the Southern Palms Commercial Center, south of the Food 4 Less store and east of Joe's Crabshack restaurant. This request proposes to eliminate 20 spaces east of this restaurant to accommodate the fuel pumps. According to the applicant, this fuel facility will serve as an extension of the services provided by Food 4 Less grocery store, a new major tenant in this commercial center. A use permit and three variances are requested with this proposal.

The use permit is to allow a fuel facility in the PCC-2 Zoning District. One variance is to allow a fuel center facility located away from an arterial street intersection. The proposed location for the fuel facility is about 600 feet west from the north west corner of McClintock Drive and Southern Avenue. The other two variances are for building setbacks from interior property lines and to waive the required 6-foot masonry wall and 6-foot landscape strip buffer.

Staff received letters of opposition and phone calls expressing concerns regarding this application. Staff believes that the proposed use is not appropriate for this location, close to an existing restaurant next to the west side of this site, the on-site circulation for fuel pumps trucks is a concern, and the loss of 20 parking spaces primarily dedicated for the restaurant. All these concerns do not warrant a positive recommendation.

Evaluating the use permit, it appears that the fuel pumps facility proposal do not pass the use permit tests listed below, primarily **"c"** and **"d"**:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas; or
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions; or
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan; or
- d. Compatibility with existing surrounding structures and uses; or
- e. Adequate controls of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. A refusal of a use permit shall not be interpreted as the denial of a right, conditional or otherwise.

Evaluating the requested variances, it appears that the fuel pumps facility proposal do not pass the variance tests listed below, primarily “3a”, “3b” and “3c”:

3. A variance shall not be authorized unless the application provides sufficient evidence:

- a. That there are special circumstances or conditions applying to the land, building or use referred to in the application; and
- b. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
- c. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

Staff advised the applicant since the initial application of possible neighborhood concerns, land use issues, and on site circulation conflicts. The applicant's decision was to go forward with the application process. Staff received many concerns from surrounding property owners regarding the proposed fuel pumps within Southern Palms Commercial Center. Staff position is that the proposed location for the fuel center facility is not appropriate for this location therefore recommends denial. On December 12, 2000, Planning Commission denied this request, 6-1 vote. The applicant is now appealing that decision.

**REASON(S) FOR  
DENIAL:**

1. The proposed fuel pumps for Food 4 Less appears not appropriate for that location and is not consistent with the approved General Plan of Development of Southern Palm Commercial Center Phase I.
2. This request is not compatible with the surrounding businesses within the shopping center.
3. There are no special circumstances or conditions applying to the land, building, or the use proposed.
4. The authorization of these variances are not necessary for the preservation and enjoyment of substantial property rights.

**SHOULD THE CITY COUNCIL ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD BE ATTACHED**

**CONDITION(S)  
OF APPROVAL:**

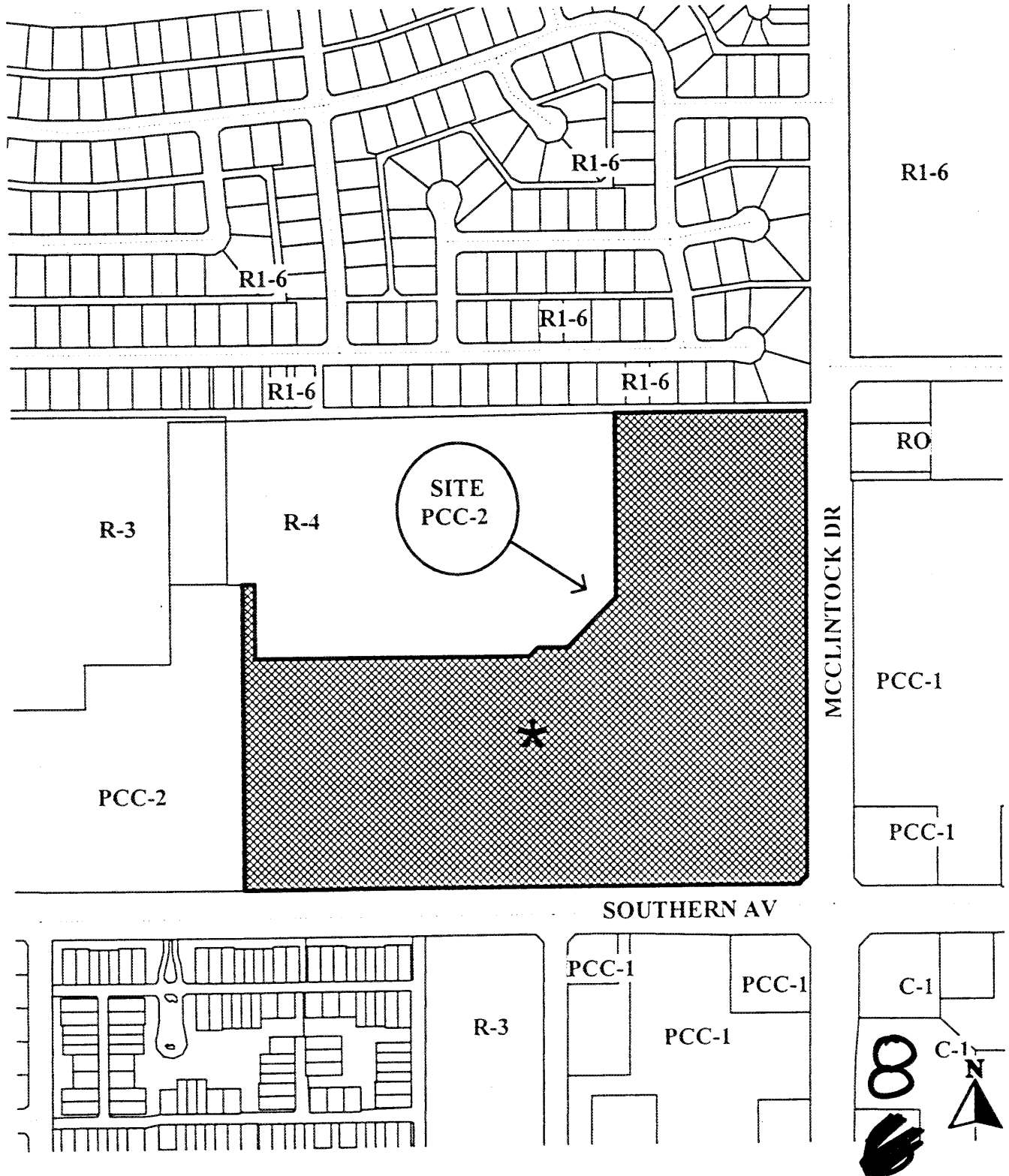
1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
  - (1) Water lines and fire hydrants
  - (2) Sewer lines
  - (3) Storm drains.
  - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
  - (1) Water and sewer development fees.
  - (2) Water and/or sewer participation charges.
  - (3) Inspection and testing fees.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this development in accordance with the Code of the City of Tempe - Section 25.120.
3. No variances may be created by future property lines without the prior approval of the City of Tempe.
4. A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval or the variance(s) and use permit(s) shall be deemed null and void.
5. This plan shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.

6. The applicant shall comply with all applicable state and federal laws regarding archeological artifacts on this site.
7. The use permit is non-transferable and is issued to Food 4 Less \_\_\_\_\_ only.
8. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
9. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
10. The applicant shall resolve all lighting and security details with the Police Department prior to the issuance of a building permit.
11. Re-grade pump area and provide Envibro well drywell for runoff.



# FUEL CENTER FOR FOOD 4 LESS

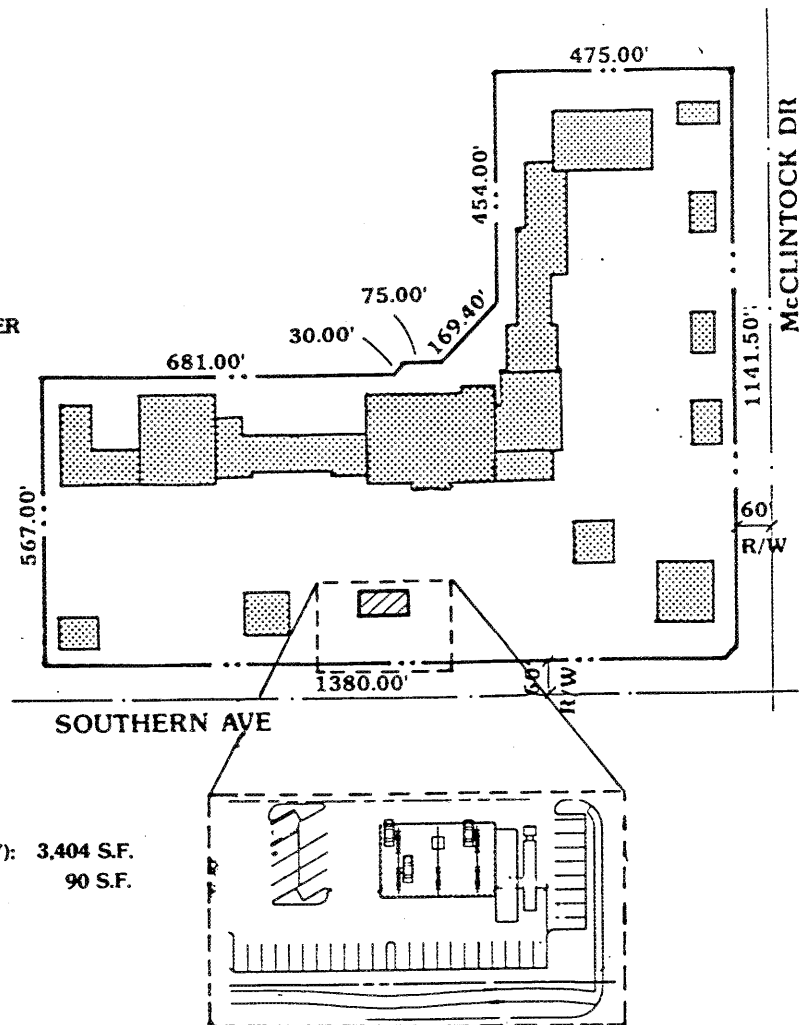
SGF-2000.70



Location Map SEE OTHER SIDE FOR MORE INFORMATION

**SYMBOL(S):**

EXISTING BUILDING(S)

PROPOSED FUEL CENTER  
(3,404 S.F.)**USE PERMIT(S):**  
(SEE BELOW)**VARIANCE(S):**  
(SEE BELOW)**SITE DATA:**FUEL CENTER (UNDER CANOPY): 3,404 S.F.  
KIOSK: 90 S.F.**PUBLIC HEARING NOTICE**

This is a notice for a public hearing for FUEL CENTER FOR FOOD 4 LESS (Center Trust, property owners) for a use permit and three variance to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

#SGF-2000.70 An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue, including the following:

Use Permits:

Allow a fuel dispensing facility in the PCC-2 Zoning District.

Variances:

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines.

If you are interested you may attend a meeting of the Planning & Zoning Commission at 7:00 p.m. Tuesday, December 12, 2000 at the Council Chambers, 31 East Fifth Street. This will be a public hearing and you may present your views in person at the hearing. Or you may respond in writing to the Planning & Zoning Commission, P. O. Box 5002, Tempe, AZ 85280-5002.

If you have any questions or wish to view additional material including artists renderings and elevations which are available, you may contact the Development Services Department at 480-350-8331 or come in to the office at 31 East Fifth Street.

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 480-350-8331 (voice) or 480-350-8400 (TDD) to request an accommodation to participate in the Planning & Zoning Commission meeting.

FILE 0000

MAILED  
11-27-00

COVER SHEET  
PLAN  
CS1

Area of Site	=	1,143,050 S.F.
Area of Side	=	1,091,250 S.F.
Area of In-Site Landscaping	=	109,974 S.F.
Area of Right-of-Way Landscaping	=	137,540 S.F.
		12.38 Acres

1. Use of joining signs outside quoted areas are provided by the C.I.N.'S and their equipment.

2. Ingress figures for site as provided by C.R.'S and lease agreement.

3. Five year retention is provided by onsite storm drainage retention system for Southern Paving Shopping Center. As built 11/81.

SUBMITTED BY:

LEE ARCHITECTURE & PLANNING  
575 ANTON BLVD. SUITE 140  
COSTA MESA, CA 92626  
(714) 850-1400 FAX (714) 850-1407  
E MAIL: [edwardc@worldnet.att.net](mailto:edwardc@worldnet.att.net)  
ALVIN EDWARDS III 11/1/90

## MUNICIPAL APPROVALS

Approved by the Mayor and the City Clerk of the City of Tempe,  
 \_\_\_\_\_ day of \_\_\_\_\_, 1987

[illegible]

# ARTIST

[illegible]

City of Tempe

**CITY & MCNAMEE:**

Approved by the City Planning Department of the City of Toronto

born (the day of 1941)

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# CERTIFICATE OF THE OWNER

**Center: Lead**

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Submitted and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[illegible]City: Northway Public

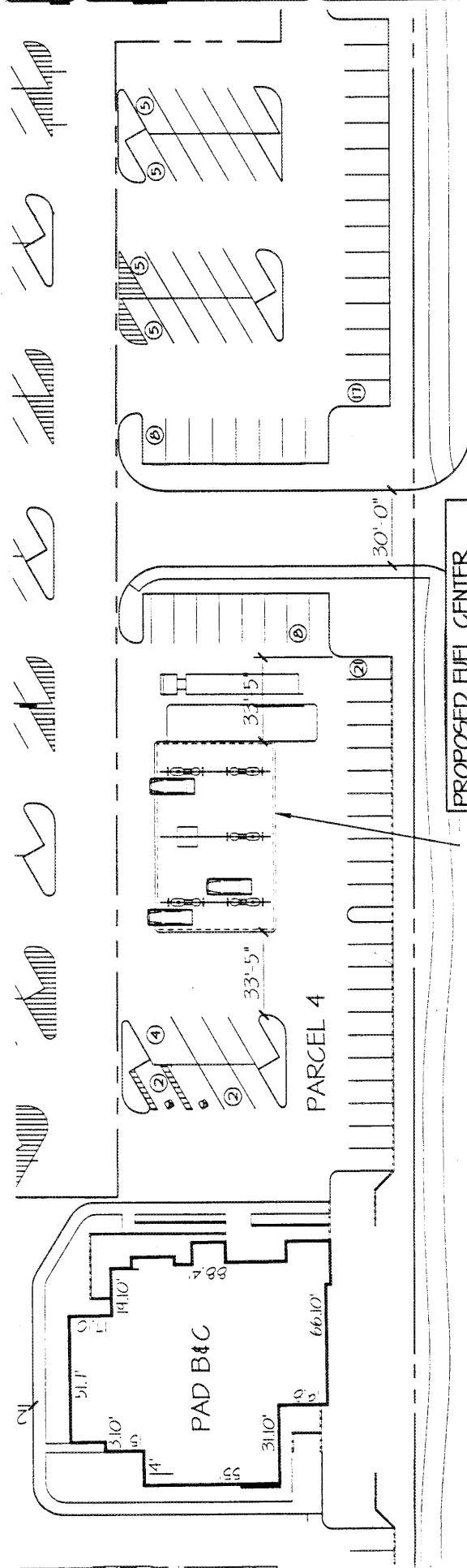
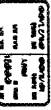
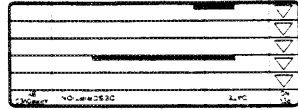
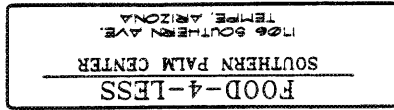
### City Commission Expenses

SGF-2000.70

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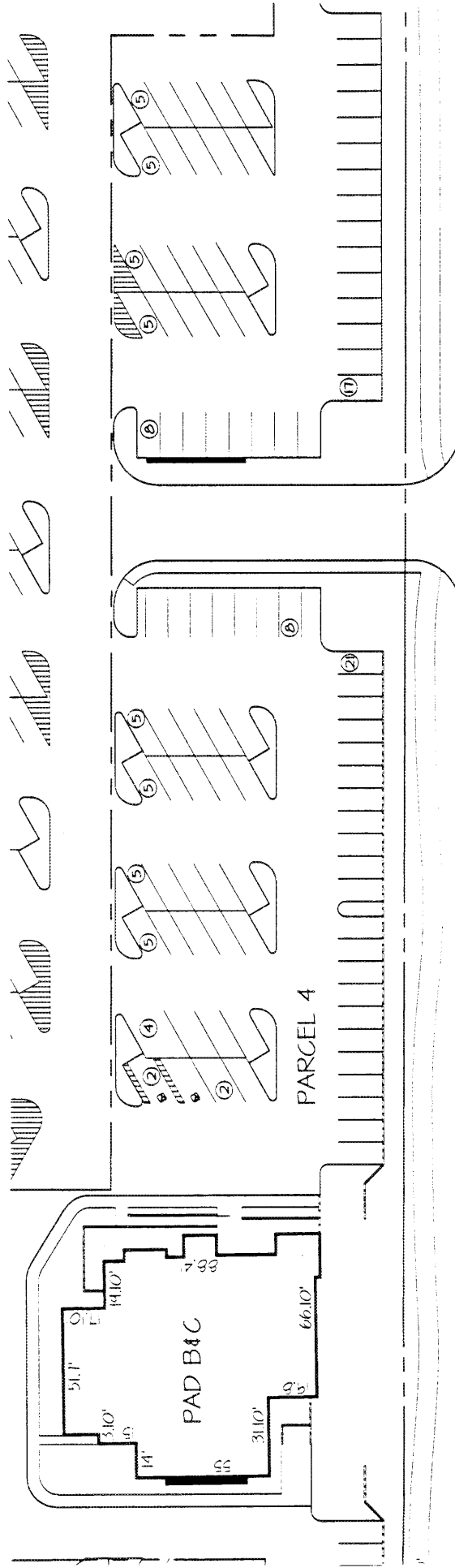
PAGES REQUIRED: 1440

PAGES PROVIDED: 1440 SPACES



SOUTHERN AVE.

PROPOSED SITE PLAN  
SCALE 1" = 20'-0"



SOUTHERN AVE.

EXISTING SITE PLAN  
SCALE 1" = 70'-0"

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100' x 200'

SGF-2000.70



**Preconstruction Development Services, LLC**

**1034 East Hiddenview Drive      Phoenix, Arizona 85048**

**P- (480) 283-8963      F- (480) 283-8913**

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December 15, 2000

Mr. Hector Tapia  
Senior Planner  
Development Services Department  
City of Tempe  
31 East Fifth Street  
Tempe, Arizona 85281

RE:    **Food 4 Less Fuel Center**  
         **Southern Ave. & McClintock Rd.**  
         **SGF-2000.70**

Dear Mr. Tapia,


On behalf of the Applicant, please accept this letter as notice of our intent to appeal to the Tempe City Council the actions of the Planning Commission's December 12, 2000 decision to deny the Applicant a Use Permit.

Please see that the Applicant's case is added to the next regularly scheduled Tempe City Council meeting. A formal letter of Explanation and Intent to the Tempe City Council regarding this case will follow.

If you have any questions, please do not hesitate to call me at (480) 283-8963.

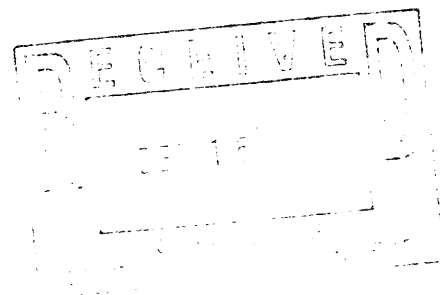
Respectfully,

Preconstruction Development Services, LLC  
For the Applicant



Brian F. McFadden

Cc: Brian Lake, Fleming Companies  
Scott Thomson, Center Trust  
Mr. Don Nemeth, President PRTA



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# ***PRE-CONSTRUCTION DEVELOPMENT SERVICES***

1034 East Hiddenview Drive, Phoenix, AZ 85048 Phone: (480) 283-8963 Fax: (480) 283-8913 Email: bmcadden@att.net

November 28, 2000

City of Tempe, Development Services Department  
Planning Division  
Attn: Mr. Hector Tapia  
P.O. Box 5002  
31 East 5<sup>th</sup> Street  
Tempe, Arizona 85280

**RE: Proposed Fuel Center- #SGF-2000.70  
Southern Ave. & McClintock Rd.  
Tempe, Arizona**

Dear Mr. Tapia

Pursuant to the City of Tempe and the Planning and Zoning Commission requirements, the following is a letter of explanation and justification for 3 variances requested by the Applicant. The requested variances include:

- Allowing a fuel dispensing facility to be located in an area away from an arterial street intersection
- Reduce the minimum required rear yard building setback from 40-feet to 20-feet
- Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines

Though this request by the Applicant for "forward" and "out of the box" thinking by the City of Tempe Planning Division and Planning Commission, as well as substantial planning on the Applicant's part, that a "off corner" fuel dispensing center be designed to seamlessly integrate into the existing shopping center, that it not interfere with ingress/egress for the shopping center, its tenants, the fuel dispensing center, or arterial traffic, increase in traffic, and moreover, maintain the preservation and enjoyment of all, by not materially posing a detrimental activity or design, the following is for your consideration and approval:

## Explanation and Intent

The proposed self-service fuel dispensing center will be located in a portion of the existing parking lot immediately in front of the recently opened Food 4 Less market, adjacent to Southern Avenue, immediately to the east of the existing Joe's Crab Shack, and west of the main entrance into the shopping center off Southern Avenue.

The proposed fuel dispensing center will consist of five fuel pumps, canopy, and a one-attendant kiosk located underneath the canopy. Colors to match the existing center. The fuel dispensing center will be re-graded to accommodate a concrete surface slab (flush with the adjoining pavement), which will allow for drainage. The slab area will be continually maintained. Any spills or contaminants will be sloped to a clarifier, located in the fuel center area.

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The land area located at the immediate southeast corner of the shopping center (intersection of Southern Avenue and McClintock Road) is currently occupied by a tenant/owner. Because of this occupation of land, the desired fuel dispensing center must be located "off-corner."

- ✓ We submit for your consideration and approval a proposed "off-corner" fuel dispensing center containing five pumps, canopy and minimally sized attendant kiosk, and not a food convenience store and/or vehicle maintenance garage, normally associated with a traditional corner fuel dispensing center found throughout the City of Tempe. The open air design of the fuel dispensing center and lack of enclosed building area (convenience store/vehicle maintenance garage) is a departure from what is typically considered by the Planning Division and Planning Commission. The "off corner" location will not pose an additional traffic safety hazard from vehicles traveling along Southern Avenue or McClintock Road or increase traffic to the shopping center. The fact that the fuel dispensing center is located along Southern Avenue and further away from the busy intersection, this will provide easier and safer ingress/egress, and not create the need for immediate vehicle deceleration and turns into the fuel center so close to the intersection, which is normally associated with corner fuel dispensing locations. The fuel dispensing center has been conveniently located such that there is no material adverse affects on the shopping center drive patterns or parking. It has been designed to be located far enough away from the drive and parking lot areas so as not to interfere with drive access or vehicles parking in the lot area. It is not anticipated that the proposed fuel dispensing center will generate additional traffic along Southern Avenue or McClintock Road, or to the shopping center itself. The fuel dispensing center will not enjoy a premium marketing window associated with a corner location, which could attract additional traffic. Because of the proposed "off corner" location, the fuel center is expected to only attract normal local traffic, as well as existing patronage already associated with the shopping center and the Food 4 Less market.

The design and color of the fuel dispensing center's canopy can incorporate the approved Food 4 Less design and colors, further enhancing the area and not creating a blight to the surrounding properties and neighborhood. Acceptable security and functional lighting methods and illumination levels will be discussed and agreed upon by the Planning Division and Applicant during normal planning review. Acceptable parking availability will also be determined and agreed to by each during normal planning review.

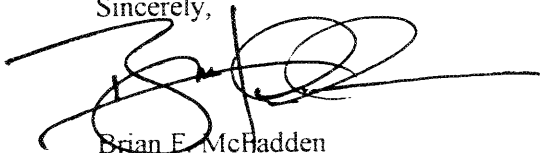
- ✓ Further, we submit for your consideration and approval that the required 40-foot rear setback normally associated and required for corner fuel center locations be waived by issuance of a variance. Because of the atypical location and design of the proposed fuel dispensing center, the need for a 40-foot rear setback is only an administrative requirement and not as much as a practical requirement, which is subject to consideration and change without adverse affect or liability under the circumstances. The defined rear property line is an invisible line situated in the parking lot with no immediate structures adjacent to the property line. Special circumstances associated with this proposed location assert that a minimum 20-foot setback be granted since the 20-foot differential will have no material adverse affect on the surrounding properties, tenants, neighborhood, or identifiable structural safety issues.
- ✓ Finally, we submit for your consideration and approval that since the proposed fuel dispensing center will not be situated on the corner of the shopping center, the required six-foot masonry wall normally required on two-sides of a corner fuel center location, as well as the six-foot wide landscape buffer be waived by issuance of the variance. Since the proposed fuel dispensing center will only contain five pumps, canopy and minimally sized attendant kiosk, and not a food convenience store or vehicle maintenance garage, a

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screening wall of this nature will only be a blight on the shopping center, adjacent properties and to the neighborhood. Additionally, the wall and landscape buffer will only add additional impediments adjacent to the drive areas and pose a substantial traffic view hazard for pedestrians and vehicles alike. Existing landscaping along Southern Avenue, as well as within the existing concrete parking islands and entry drive lanes provide ample landscaping. If it pleases the Planning Division and Planning Commission, the Applicant can install potted and maintained landscaping at the corners of the kiosk and at the ends of the pump islands.

As a representative for the Applicant, it is my pleasure to provide the City of Tempe Planning and Zoning Commission with this letter of explanation with respect to these 3 variance requests. On behalf of the Applicant, we look forward to continuing effective planning and zoning activities toward a successful resolution through the City of Tempe. For any further questions or clarifications, please contact Preconstruction Development Services, LLC, at (480) 283-8963 or by fax or email: (480) 283-8913-bmcfadden@att.net

Sincerely,



Brian E. McFadden

*Preconstruction Development Services, LLC*

cc: Fleming Companies, Inc  
1945 Lakepointe Drive  
Lewisville, TX 75026  
Attn: Mr. Brian Lake

Center Trust  
3500 Sepulveda Boulevard  
Manhattan Beach, CA 90266

R.H. Properties, LLC  
34197 Pacific Coast Highway, Suite 102  
Dana Point, CA 92629  
Attn: Mr. Ron Holley

EHL Architecture & Planning, Inc.  
575 Anton Boulevard, Suite 140  
Costa Mesa, CA 92626  
Attn: Mr. Edward Lucero

11c 

# EHL ARCHITECTURE & PLANNING, INC.

575 Anton Boulevard, Suite 140 \* Costa Mesa, CA \* 92626 \* (714) 850-1400 \* Fax (714) 850-1407

## NARRATIVE

September 27, 2000

City of Tempe, Development Services Department  
Planning Division  
P.O. Box 5002  
31 E. 5th Street  
Tempe, Arizona 85280

OCT 17 2000

**RE:            PROPOSED FUEL CENTER  
              SOUTHERN AND MC CLINTOCK  
              TEMPE, ARIZONA**

### Description

This center is an existing center anchored with various retail businesses, i.e., Staples, a supermarket, Heilig Meyer, along with other parcels including a pet store, Joe's Crab Shack, a steakhouse, McDonalds, and other various fast food restaurants. The property is relatively flat with generous landscaping throughout, including very large, tall existing palm trees scattered throughout the property. The major streets along this property include Southern, running east and west, and McClintock running north and south. The center is located at the northwest corner.

### Location

The proposed Fuel Center location will be immediately in front of the proposed Food 4 Less market, adjacent to Southern Avenue, and immediately to the east of Joe's Crab Shack, and west of the main entrance from Southern onto the site. The proposed Fuel Center will consist of five fuel pumps, a canopy, and a one-man kiosk located underneath the canopy. The fuel center area will be regraded to accommodate a concrete surface slab which will allow for drainage, to be maintained within the fuel center area. Any spills or contaminants will be sloped to a clarifier, located in the fuel center area. Regrading will flush with the existing asphalt area.

### Goals

The owners of the fuel center, Food 4 Less/Fleming Companies Inc., will own and operate this center with the intent to provide better services to the general public and the surrounding community by providing a convenient way to refuel vehicles while in the presence of the shopping center. Anyone shopping within the center will have the ability to drive up to the pumps without going into the main streets to circulate and secure fuel from other locations. The fuel center will have a full-time attendant who will assist customers with any fuel problems, credit card, cash problems or pay-for-fuel.

### Objectives

The proposed fuel center objectives will be to enhance customer service for the supermarket as well as the general public area, competition with other fuel dispensing services in the area, and create an architectural harmony with the surrounding design and of the facilities. By having the fuel center

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## **NARRATIVE - Page Two**

within the shopping center it is felt that easy access from within the shopping center will be better accommodated by eliminating congestion as customers leave the fuel center since it is not located on the corner thereby enhancing circulation in and out of the center and avoiding any traffic problems trying to leave a corner station due to traffic flows from the main arteries. Because of better access there is better visibility coming and leaving the fuel center area. In addition, by having good lighting from within the center, better visibility will occur whereby having a better traffic flow within the center as well as leaving the center from the fuel center.

### **Architectural Style**

The proposed fuel center will be consistent with the existing center in terms of colors and materials located within. It is proposed to allow the fuel center canopy to have mission tile, to help us patterned with the existing center. The colors of the canopy will also be consistent with the colors located within the center. Landscaping will be enhanced necessary to provide soft architectural treatment within this area.

### **Conclusion**

Allowing this fuel center to be approved, we feel that the general public will benefit from the prices of local gas dispensing customers by allowing better competition to occur. In addition, due to the harmony of the payment of the fuel center, allowing better traffic flows, as well as the architectural treatment, this fuel center will benefit the general customer base for shoppers from the area in general as well as drive-by traffic.

For any further questions or clarifications, please contact EHL Architecture and Planning, Inc., at 714-850-1400 or by fax at 714-850-1407.

Sincerely,



Edward H. Lucero  
Architect

cc: Fleming Companies, Inc.  
1945 Lakepointe Drive  
Lewisville, Texas 75026  
ATTN: Brian Lake

Center Trust  
3500 Sepulveda Boulevard  
Manhattan Beach, CA 90266  
ATTN: Steve Perales

OCT 17 2009

He 

## Tapia, Hector

---

**From:** Fackler, Dave  
**Sent:** Thursday, December 07, 2000 11:09 AM  
**To:** Tapia, Hector; Brittingham, Fred  
**Subject:** FW: Zoning variance for Food 4 Less gas station

FYI

-----Original Message-----

From: Cbuzzaz@aol.com [mailto:Cbuzzaz@aol.com]  
Sent: Thursday, December 07, 2000 9:47 AM  
To: neil\_giuliano@tempe.gov; Len\_copple@tempe.gov;  
Ben\_arredondo@tempe.gov; dennis\_cayhill@tempe.gov;  
barb\_carter@tempe.gov; Hugh\_hallman@tempe.gov; mark\_mitchell@tempe.gov  
Cc: dave\_fackler@tempe.gov  
Subject: Zoning variance for Food 4 Less gas station

Having lived in Tempe for over 35 years, I have seen many changes. As a resident of Park Riveria Townhouse on Southern Ave just across the street from the proposed zoning variance for the construction of a need Food 4 Less gas station, I have one comment. THIS IS NOT A GOOD CHANGE.

This goes against the normal planning and zoning of placing gas stations on corner locations. There are 6 different gasoline brands represented by 9 different locations within 1.5 miles of this location. NO MORE ARE NEEDED.

At this time the traffic in the Southern Ave and McClintock area is heavy, and I don't see any way that this additional service station will help the situation.

There is a corner at McClintock and Southern (southwest corner) where an old restaurant was that is closed, this location would be ideal, but it is across the Southern Ave from the store.

I take this opportunity to thank you in advance for a wise decision, which will affect the city of Tempe and the quality of life in our area of the city.

Charles E. Buzzard  
cbuzzaz@aol.com

11-7-2000

*From the desk of...*

G I N N Y SAMSON

Planning & Zoning Commission  
P.O.Box 5002  
Tempe AZ

Gentlemen:

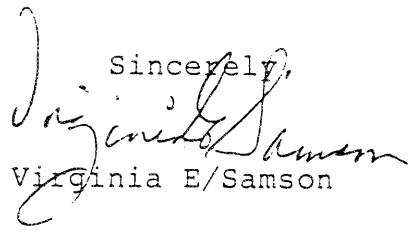
Thank you for the notice regarding Food 4 Less application for fuel center at Southern Palms Center.

While I am looking forward to the grocery store, I do not favor the fuel center ! I live in the Townhouses directly across the street from Sweet Tomatoes, Since winter people have arrived, the traffic situation is becoming a hazard, as one meets people turning north as we enter south to our residence.

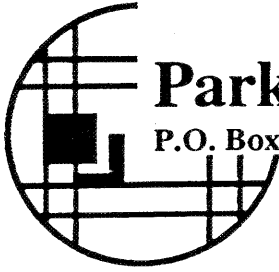
I feel a fuel center would only increase the traffic problems and would not be in favor of your issuing such a permit.

Other home owners living at Park Riviera have also expressed displeasure at this idea. I hope you will take the matter under consideration and study the already heavy traffice on Southern.

Sincerely,

  
Virginia E/Samson

  
12a



# Park Riviera Townhouse Association

P.O. Box 24191

Tempe, Arizona 85285

November 16, 2000

Dave Fackler  
Development Services Director  
City of Tempe  
31 East 5<sup>th</sup> Street  
Tempe, AZ 85281

Dear Mr. Fackler;

I am writing this letter as president of the Park Riviera Townhouse Association (PRTA), to express my concern about the lack of notification to the PRTA regarding the placement of a gas station in the parking lot of the Food for Less grocery store on the north side of Southern Ave between McClintock and Dorsey. Our complex is almost directly across the street from the proposed site and we constitute 135 homeowners.

Several residents in the complex received notices of the proposed hearings but notification to the PRTA was not given although other notices were sent to other surrounding associations. I am assuming it as an oversight on your part plus we have changed our mailing address since your last communication to us.

Please consider us in the future for notification of this issue and other issues in the future, which affect our neighborhood. Also please revise your mailing address file to reflect our address as:

**Park Riviera Townhouse Association  
P.O. Box 24191  
Tempe, AZ 85285**

If you have any questions, please contact me at 480-730-6691. Thank you for your attention in this matter.

Sincerely,



Don R. Nemeth  
President PRTA

CC: Mayor Neil Giuliano  
Tempe City Council Members:

Ben Arredondo  
Dennis Cahill  
Barb Carter  
Leonard Copple  
Hugh Hallman  
Mark Mitchell

  
126

MARK S. BOSCO  
MICHAEL A. BOSCO, JR.  
R. M. JOE BUSHONG  
MARK D. DIOGUARDI  
WILLIAM H. FINNEGAN  
JOHN P. FLYNN  
STEVEN G. FORD  
JOHN A. GREENE  
RICHARD G. HIMELRICK  
WILLIAM J. HOWARD  
PAMELA L. KINGSLEY  
MARK L. MANOIL  
J. LAWRENCE McCORMLEY  
LEONARD J. McDONALD, JR.  
TRACY S. MOREHOUSE  
DOW GLENN OSTLUND  
ALEXANDER POULOS  
ROBERT A. ROYAL  
WILLIAM J. SIMON  
KATHY A. STEADMAN  
MICHAEL E. TIFFANY  
C. TIMOTHY WHITE

## TIFFANY & BOSCO

A PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

FIFTH FLOOR VIAD TOWER  
1850 NORTH CENTRAL AVENUE  
PHOENIX, ARIZONA 85004-4546

TELEPHONE (602) 255-6000  
FACSIMILE (602) 255-0103

WRITER'S DIRECT LINE (602) 255-6017  
WRITER'S DIRECT FAX (602) 712-1816  
WRITER'S E-MAIL: mdioguardi@tiffany-bosco.com

November 21, 2000

City of Tempe  
ATTN: Hector Tapia  
Development Services Department  
31 East 5<sup>th</sup> Street  
Tempe, Arizona 85282-5002

*Re: Application No. SGF-2000.70 - Use Permit & Variance Requests for "Fuel Center for Food 4 Less" Location: 1706 East Southern Avenue, Tempe (Our File No. 6451-001)*

Dear City of Tempe:

We represent YF Eastridge Limited Partnership, the owner of the Eastridge Apartments to the north and west of the subject site.

We would like to register our opposition to the subject application for the following reasons:

1. The proposed facility would not be an aesthetic enhancement to the area, and would instead detract from the neighborhood.
2. The shopping center where this facility is proposed already generates a heavy volume of traffic and noise at night. The proposed use would exacerbate this problem next to our residential community.
3. The request does not meet several of the statutory and ordinance requirements, all of which must be met, for a variance as follows:
  - (a) There are no special circumstances or conditions applying to this property or use which do not apply to other properties in a PCC-1 zoning district.
  - (b) The request is generated solely by the owner's desire to have this use at this

*[Handwritten signature]*  
12c



# TIFFANY & BOSCO

A PROFESSIONAL ASSOCIATION

City of Tempe  
ATTN: Hector Tapia  
Development Services Department  
November 21, 2000  
Page 2

particular location, and is, therefore, of the owner's own making and not due to a unique feature of the property causing a hardship to the owner.

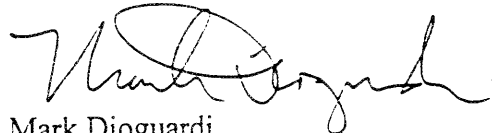
- (c) The variance is not necessary for the owner to benefit from this property. The owner can utilize any use allowed by the PCC-1 zoning district at this location.
- (d) The application will be materially detrimental to persons residing in the adjacent premises in that the proposed use will generate additional nighttime traffic and noise, and, if the environmental safety features which would accompany the fuel storage tanks at this facility in any way fail, the health of the adjacent residents could be jeopardized.

Based on the above reasons, we urge you to reject the subject applications.

If we can answer any questions, please do not hesitate to contact the undersigned.

Sincerely,

TIFFANY & BOSCO, P.A.



Mark Dioguardi  
For YF Eastridge Limited Partnership

MDD:lcl

cc: Planning & Zoning Commission  
Mayor Neil G. Giuliano  
Vice Mayor Len Copple  
Councilmember Ben Arredondo  
Councilmember Dennis Cahill  
Councilmember Barbara Carter  
Councilmember Hugh Hallman  
Councilmember Mark Mitchell  
Mr. Joseph Yousem  
Ms. Jennifer Karie  
Mr. Robert Friedman



12 d

1653 E. Del Rio Dr.  
Tempe, AZ 85282

City of Tempe  
Planning & Zoning Commission  
P.O. 5002  
Tempe, AZ 85280-5002

Re: #SGF-2000.70  
Fuel Center for Food 4 Less  
1706 E. Southern Av.

Dear Sirs,

I am writing to you not so much in objection to this particular use permit and variance request (for the record I am strongly opposed) as in general to both the City of Tempe and property management of Southern Palms Commercial Center (SPCC.)

The City allowed both SPCC and Food 4 Less to remodel and take occupancy of an existing space without due consideration of apartment and single family residents who live "behind" or on the north side of this location.

There seems to be an abundance of noise pollution in or near the Southern-McClintock intersection. Why should the City permit additional traffic to operate at this location without addressing the aforementioned in paragraph 2?

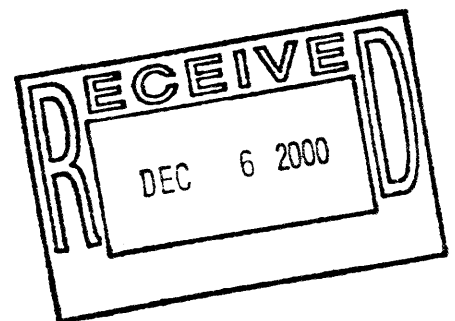
I am a homeowner in this neighborhood. I offered for free to SPCC to plant vegetation as a visual and audial block to aid in this matter but was re-buffed.

Is there not something either the City or a particular code or standard would require to address this issue? Rhetorically, I doubt so. Therefore, as a good neighbor I remain fervently opposed to the requested permit and variances.

Sincerely,



Michael Caul



*[Handwritten signature]*  
122

# Park Riviera Townhouse Complex Resident Petition To The Tempe Development Services Department

We are residents of the Park Riviera Townhouse complex located across Southern Avenue from the strip mall where a "fuel center", associated with the new Food 4 Less grocery store, is being proposed.

As the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we feel this is a totally unnecessary and inappropriate site for a gas station and strongly urge the City of Tempe to reject this proposal.

Southern Avenue is already a heavily congested thoroughfare in a densely populated residential area. We don't need an accident-magnet constructed in front of our complex. Currently the shopping area has six entrances that effectively disperse traffic entering and leaving the property. The fuel center would significantly increase traffic in the entrances almost directly across from Park Riviera.

This gas station would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

December, 2000

<u>Jim Latta</u>	<u>1629 E. Southern Tempe AZ 85282</u>
Name	Address
<u>Karen Galadavok</u>	<u>1633 E Southern Tempe AZ 85282</u>
Name	Address
<u>Jim Latta</u>	<u>1629 E. Southern Ave Tempe AZ</u>
Name	Address
<u>Q. Joub</u>	<u>3339 S Poplar, Tempe AZ 85282</u>
Name	Address
Name	Address
Name	Address
Name	Address
Name	Address
Name	Address

12f

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December, 2000

Rebecca Bunch	1416 E. CORONADO Dr. TEMPE 85281
Name	Address
Taren B. Trautman	1502 E. Coronado Dr. Tempe 85282
Name	Address
A. R. Uebe-Leone	1418 E. Coronado Dr. Tempe 85282
Name	Address
R. J. Leone	1418 E. Coronado Dr. Tempe 85282
Name	Address
Jody Dean	1501 E. Malibu Dr. Tempe, AZ 85288
Name	Address

Name Address

Name Address

Name Address

Name Address

Name Address

129

December 12, 2000

To The Tempe Development Services Department:

We are residents of the Park Riviera Townhouse complex located across Southern Avenue from the strip mall where a "fuel center", associated with the new Food 4 Less grocery store, is being proposed.

We feel this is a totally unnecessary and inappropriate site for a gas station and, as the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we strongly urge the City of Tempe to reject this proposal.

~~You might find some examples of descriptions of the traffic, noise, accidents, etc.~~  
A narrative letter from the fuel center applicant describing the site notes that shopping center shoppers "will have the ability to drive up to the pumps without going into the main streets to circulate and secure fuel from other locations." How silly. Does that mean those shoppers drop in from heaven and return there when shopping/refueling is completed, never having to use the "main streets"?

The fuel center's purpose must be to draw customers and increase traffic volumes for Food 4 Less whose interest in adding the gas station to the site has to be based on profitable numbers. (And, as part of their application, they should be required to provide projected traffic counts based on the volume of sales they expect to create.)

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There are nine gas stations with over 40 pumps within approximately a mile and a half of this site — ALL located where Tempe normally zones stations ... ON CORNERS!

This "fuel station" would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

Sincerely,

Name Mara J. Kerezen Address 1531 E. Newport Ave.

Name Martin S. Lund Address 1603 E. Newport Dr.

Name Laura J. Weber Address 1611 E. Newport

Name Noreen L. Day Address 1619 E. Newport Dr.

Name David O. McKen Address 1631 E. Newport Dr.

Name Carmen Andersen Address 3329 SELM ST

12h

Pat R 1612 Elm St. Tempe AZ  
Name Address

Jim & Joy Dale 3334 J. Elm St. Tempe AZ 85281  
Name Address

Matthew Brassell 3336 S ELM St Tempe AZ 85282  
Name Address

José M. Terep 1605 E. Malibu Drive  
Name Address

Angela Lane 1614 E Malibu  
Name Address

Mary C Davis 1627 E Malibu Dr  
Name Address

Peter & Pico 1609 E. MALIBU DR  
Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

Name Address

96F-2000.70

December 12, 2000

To The Tempe Development Services Department:

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This "fuel station" would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

Sincerely,

Bettie Nelson  
Name

3317 South Oak St., Tempe 85282  
Address

Ignacio Vukobratovic  
Name

3313 S. Oak ST. Tempe 85282  
Address

Aheila M. Kehl  
Name

3335 S. Poplar St. Tempe 85282  
Address

Judene Roth  
Name

3345 So Oak Tempe 85282  
Address

Barbara Wolfe  
Name

1503 E. Malibu Dr., Tempe 85282  
Address

Janette Melberg  
Name

3311-S. Poplar Tempe 8  
Address

12j

Ulrike Farley 3321 S Oak Street, Tempe  
Name Address

Shirley Hunkeler 3319 S. Poplar Tempe, AZ  
Name Address

Rachael Brown 3329 S OAK Tempe AZ  
Name Address

Eden E. Sanchez 3333 S. OAK ST 92186 AZ  
Name Address

Ly Ly 3337 S OAK Tempe, AZ  
Name Address

Tom Kovian 3341 S. Oak St. Tempe AZ.  
Name Address

Derek Muth 3327 S Poplar St. Tempe AZ  
Name Address

Ch Ki 3327 S Poplar St. Tempe, AZ  
Name Address

Alison Miller 3318 S. Juniper St, Tempe AZ  
Name Address

Billy Vigil 3318 S. Juniper St Tempe AZ  
Name Address

Brent Winfield 3326 S. Juniper St Tempe. AZ  
Name Address

Susan Malone 3326 S. Juniper St Tempe AZ  
Name Address

Wanda Donaldson 3328 S. JUNIPER ST TEMPE AZ  
Name Address

Don Donaldson 3328 S. Juniper St Tempe AZ.  
Name Address

12K:



1. Sarah Aguilan 3330 S. Elm St

Name

Address

Gregson 3332 So Elm

Name

Address

Sam Holsen 3332 S. Elm

Name

Address

Name

Address

Name

Address

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Address

122

December 12, 2000

To The Tempe Development Services Department:

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We feel this is a totally unnecessary and inappropriate site for a gas station and, as the residents in the area who would be most directly affected by the increase in traffic, noise and air pollution, we strongly urge the City of Tempe to reject this proposal.

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This "fuel station" would be a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. We urge you to deny the application in its entirety.

Sincerely

*Helin G. Kountz* *1607 E. McDowell*  
Name Address

*Bena M. Cook* *1617 E. Malibu Avenue Tempe*  
Name Address

*L. Mangin* *1513 E. Malibu*  
Name Address

*Diana M. Regner* *1508 E. Malibu Ave. Tempe AZ*  
Name Address

*Bell Wolfe* *1503 E. Malibu TEMPE AZ*  
Name Address

*Ruth E. Williams* *1502 E. Malibu Dr. Tempe*  
Name Address

*12m*

Dear Mayor Giuliano and City Council Members,

I am a resident and owner in the Park Riviera townhouse complex located across Southern Avenue from the strip mall where a "fuel center" (otherwise known as a gas station), associated with the Food 4 Less grocery store, is being proposed. This is a totally inappropriate proposal and urge you to join the Planning & Zoning Commission in denying the fuel center application in its entirety.

Southern Avenue is already an extremely heavily congested thoroughfare in a densely populated residential area. The gas station's purpose must be to draw customers and increase traffic volumes for Food 4 Less whose interest in adding the fuel center to the site has to have been based on profitable numbers.

The shopping area currently has six entrances that effectively disperse traffic entering and leaving the property. The gas station would significantly increase traffic in the entrances on Southern Avenue almost directly across from Park Riviera and that additional traffic volume may be particularly heavy during the evening rush hour.

The fuel center certainly isn't addressing any gross lack of opportunities for refueling in the neighborhood. Within approximately a mile and a half of the proposed fuel center, there are already nine gas stations (all located on CORNERS ... Tempe's normal zoning for such entities) with more than 40 pumps!

Gas Station Locations	Brand	# Pumps
<b>NE corner Southern/McClintock</b>	<b>Arco</b>	<b>6</b>
<b>NW corner Southern/Rural</b>	<b>Union 76</b>	<b>4</b>
NW corner Southern/Priest-101	? Arco	?
<b>NE corner Rural/Broadway</b>	<b>Arco</b>	<b>4</b>
<b>NW corner Rural/Baseline</b>	<b>Chevron</b>	<b>6</b>
<b>SE corner Rural/Baseline</b>	<b>Texaco</b>	<b>4</b>
<b>NE corner McClintock/Broadway</b>	<b>Chevron</b>	<b>6</b>
<b>NW corner McClintock/Baseline</b>	<b>Exxon</b>	<b>6</b>
<b>SE corner McClintock/Baseline</b>	<b>Mobile</b>	<b>4</b>
Total Stations within about 1.5 miles of the proposed fuel center	<b>9</b>	<b>40+</b>

As you can see, one of those stations, a newly renovated ARCO with an AM/PM mini mart, is located at the northeast corner of Southern and McClintock within a few hundred feet of the proposed fuel center. A station has been on that corner for as long as I can remember ... and I've lived in the complex since the Southern Palms shopping center was still an undeveloped lot.

In fact, Southern Avenue between Mill and McClintock has seen a 50% decrease in gas stations over the past several years. This might suggest an inability to profitably sustain more than the current number of stations in the area.

12n

At the Planning & Zoning meeting in December, there was a question as to why Joe's Crab Shack restaurant (immediately adjacent to where the fuel center would be located) hadn't made any comment. The gas station would even take a chunk of their designated parking area. I stopped at the restaurant after the P&Z meeting and talked with the general manager. She knew nothing about the plan because she had never been notified.

This area is a well-established section of town with solid, well maintained, middle income neighborhoods. It is important for the Council to keep that in mind when considering the kinds of businesses that will come into the two shopping centers in the area, particularly the northeast and northwest corners, which have been undergoing considerable retail shuffling. It is important to make sure our property values are enhanced, not diminished by shopping center contents and aesthetics.

Neither Tempe nor the Park Riviera complex residents need an accident-magnet constructed on Southern Avenue.

This "fuel station" is a completely inappropriate, unnecessary and potentially disruptive and dangerous addition to the location. I urge you to deny the application in its entirety.

Again, thank you for your time and consideration.

Sincerely,

TJ Taub  
3339 S. Poplar

12 n

DEC 6 6 2000

*Heffernan & Associates*

Transportation Consultants

4350 East Camelback Road ♦ Suite 100-F ♦ Phoenix, Arizona 85018 ♦ (602) 952-1605

December 5, 2000

VIA MESSENGER

Hector Tapia, Planner  
Development Services Department  
City of Tempe  
31 East Fifth Street – Garden Level  
Tempe, Arizona 85281

RE: SOUTHERN PALMS CENTER  
NWC SOUTHERN AVENUE & MCCLINTOCK DRIVE

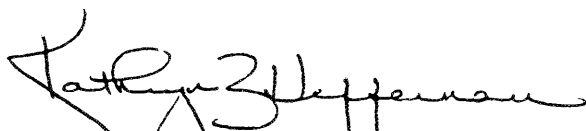
Dear Mr. Tapia:

Enclosed is our updated parking analysis for the above-referenced project. Since this center is already operating under a parking-by-demand use permit (approved back in 1992), we only needed to update the tenant mix to reflect current conditions and then apply the Tempe Standard Shared Parking Model.

The results of our updated analysis show that the proposed fueling center would have little impact on future parking conditions at the site. Even with the loss of approximately 20 spaces, the remaining parking supply (1,132 spaces) will be more than adequate to accommodate the predicted peak demand (1,034 spaces) associated with a fully-leased center.

Please call me if you have any questions regarding our analysis.

Very truly yours,



Kathryn Z. Heffernan, P.E.  
Principal

KZH/cd

Enclosure (2 copies)

cc: Brian McFadden, PDS LLC

#13

DEC 6 6 2000

**Updated Parking Study for**  
**SOUTHERN PALMS CENTER**

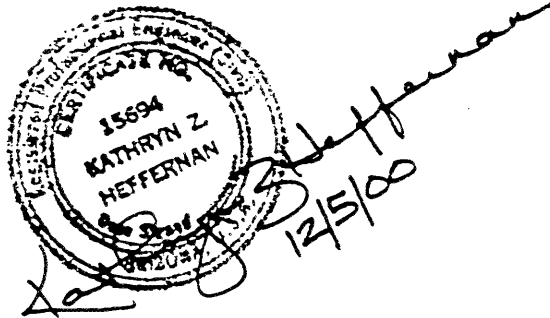
Prepared for Preconstruction Development Services, LLC

By Heffernan & Associates

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~~13a~~

## Updated Parking Study for SOUTHERN PALMS CENTER

Prepared for Preconstruction Design Services, LLC



December 5, 2000

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3. Predicted Parking Demand	7

13c  




# INTRODUCTION

Southern Palms Center is a retail center located on the northwest corner of Southern Avenue and McClintock Drive. In 1992, the owner was granted a special use permit allowing this center's parking requirement to be based upon the predicted peak parking demand rather than the standard parking ratios prescribed by the Tempe Zoning Ordinance. (This was one of the very first such use permits approved by the City.) Heffernan & Associates provided the detailed parking demand analysis on which this approval was based.<sup>1</sup>

The center's anchor tenant, Food 4 Less, is currently seeking the City's approval to build five self-service gas pumps for the convenience of its customers. Although the proposed fuel center would not generate any additional parking demand of its own, its construction would result in the loss of approximately 20 existing parking spaces. Heffernan & Associates was asked to prepare an updated parking analysis to determine if the reduced parking supply would still be sufficient to accommodate the center's peak parking demand. This report presents the results of the updated analysis.

## EXISTING CONDITIONS

There has been considerable turnover of tenants within Southern Palms Center since 1992. The current tenant roll for the center shows a vacancy rate of only eight percent (see Exhibit 1). However, one of the anchor tenants (Heilig-Meyers Furniture) is in the process of closing its store and will be vacating its space in the near future. The largest tenant is Food 4 Less, which occupies over 43,500 square feet. Other large tenants include Staples Office Supplies, Goodwill Industries, and Coomers Crafts. The center is occupied primarily by general retailers, although it also contains several restaurants, a pool hall, and a few office-type uses (bank, insurance agents, etc.).

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<sup>1</sup> Heffernan & Associates, *Parking Demand Analysis for Southern Palms Center*. Prepared for Boland, Mulhern & Associates, February 18, 1992.

Suite No.	Tenant	Leased Space (SF)					Total
		Retail	Office	Restaurant	Pool Hall	Vacant	
1538-1	Coomers	12,697					12,697
1538-5	Woodcraft	9,305					9,305
1538-R	Management Office		979				979
1538-?	Vacant					1,662	1,662
1538-?	Vacant					440	440
1546	Heilig-Meyers*	28,000 *					28,000
1628-1	West Marine	6,000					6,000
1628-2	Back East Bagels			2,496			2,496
1628-3	Vacant					1,050	1,050
1628-4	9 to 9 Hair Designs	1,590					1,590
1628-5	U.S. West	1,700					1,700
1628-7	ExecuStay		2,345				2,345
1628-9	Mail Plus	1,148					1,148
1628-10	Merle Norman	600					600
1628-11	Ann's Hallmark	3,933					3,933
1628-12	Sally Beauty Supply	1,602					1,602
1628-13	Vacant					3,200	3,200
1706	Food 4 Less	47,530					47,530
1726-1	GNC	1,320					1,320
1726-2	Flowers Galore	960					960
1726-3	Tubby's Grilled Subs			900			900
1726-4	Vacant					912	912
1726-5	Vacant					900	900
1726-6	Altered Ego Salon	1,140					1,140
1726-7	State Farm Insurance		850				850
1726-8	Career Profiles		650				650
3210	Staples	28,345					28,345
3136	Clicks Billiards				8,916		8,916
3136-7,8	Vacant					10,032	10,032
3136-10	Tyke's World	3,477					3,477
3136-?	Vacant					2,020	2,020
3122	Goodwill Industries	18,523					18,523
3114-1	John's PermaClean	2,730					2,730
3114-2	All About Tennis	2,147					2,147
3108-1	Baskin-Robbins			1,009			1,009
3108-2	Titan Auto Insurance		1,085				1,085
3108-3	Papa John's Pizza			1,505			1,505
3130	Leslie's Pool Supply	4,302					4,302
3206	YC's Mongolian Foods			3,016			3,016
3218	McDonald's			4,800			4,800
1744	Bank One		8,531				8,531
1734	Outback Steakhouse			6,225			6,225
1604	Joe's Crab Shack			9,000			9,000
1522	JB's			5,100			5,100
TOTAL BUILDING AREA		177,049	14,440	34,051	8,916	20,216	254,672

\* Heilig-Meyers is a furniture store, which is treated as a separate retail category in the City's parking code (requiring less parking than other types of retail uses). However, the company is in the process of closing this store, and the building is likely to be leased to another retail use in the future, since no furniture store has expressed interest. Therefore, this particular tenant space has been included under "retail" - rather than the more limiting "furniture store" category - for the purpose of this parking analysis.

This table reflects shopping center occupancy as of 12/1/00.

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**CURRENT TENANTS**

**HEFFERNAN & ASSOCIATES**

**Exhibit**

**1**

A field survey was conducted in order to verify the number of parking spaces currently provided on the site. A total of 1,166 marked parking spaces (including 35 accessible spaces) were found. However, six of these spaces have been given over to shopping cart storage, and another eight spaces are occupied by dumpsters. Therefore, only 1,152 parking spaces are currently available for parking. One space (located next to Joe's Crab Shack) is reserved for the "Employee of the Month," and five spaces at the rear of the center are designated for "Management Office."

If the proposed fueling center is built, the on-site parking supply would decrease by 20 spaces – to 1,132 usable spaces.

## **TEMPE STANDARD SHARED PARKING MODEL**

The existing parking-by-demand special use permit explicitly recognizes the concept of shared parking and its applicability to this particular retail center. The shared parking concept takes into account the fact that different land uses can have parking accumulation patterns which vary considerably by hour, by day, or by season. This means that the same parking space can sometimes serve two or more land uses without conflict or encroachment – and consequently, less parking is needed to accommodate peak parking demand in multi-tenant projects such as Southern Palms Center.

City staff has developed the Tempe Standard Shared Parking Model (TSSPM), which may be used for estimating the parking demand for a specific mix of land uses. This model assumes that every land use within a multi-tenant center will actually utilize the full amount of parking required by the standard parking ratios of the Tempe Zoning Ordinance during some specific time period but would generate less demand at other times. The model takes into account the fact that these periods of peak parking demand may occur at different times of the day. This means that shared parking opportunities may reduce the number of parking spaces needed to meet the overall parking demand of the center.

The TSSPM provides parking accumulation curves for various land use categories. These curves represent average parking usage for those particular land uses (expressed as a percentage of the peak demand) for each hour of the day, based on studies and observations

collected by staff over a number of years. Two different sets of these curves are included in the model – one for weekdays and one for weekends – since parking patterns are likely to vary considerably by day of the week. The first step in applying the TSSPM to a specific project is to calculate the code requirement for each land use component using the parking ratios found in the Tempe Zoning Ordinance. The requirements are then multiplied by the appropriate percentages provided in the model, and the results added together, to develop an estimate of the overall parking demand for the project for each hour of the day. The maximum parking demand is then compared to the parking supply to determine if sufficient parking is provided.

Although the 1992 parking study prepared by Heffernan & Associates provided empirical evidence that actual parking usage at the center was significantly lower than the standard parking ratios found in the Tempe Zoning Ordinance, no specific modifications to the TSSPM were recommended at that time. Since Southern Palms Center was the first retail center of this size to receive a parking-by-demand use permit, it was felt that customization of the model would be premature until sufficient experience with the standard model had been gained. Therefore, the TSSPM was to be used for predicting peak parking demand at this center.

## **APPLYING THE PARKING MODEL**

Although there is clearly more than enough on-site parking to accommodate the parking demand generated by existing tenants, the center has a current vacancy rate of eight percent – and will have a vacancy rate of 19 percent when Heilig-Meyers closes its store. Therefore, the parking analysis must take into account the additional parking demand that would be generated when the center is fully leased (i.e., at 100-percent occupancy).

In this updated parking analysis, it was assumed that the space vacated by Heilig-Meyers (28,000 square feet) – as well as all existing vacancies (20,216 square feet) – would eventually be leased to retailers. This seems the most reasonable assumption at this time, in view of the size and location of these unoccupied suites and current leasing interest.

Exhibit 2 shows the direct application of the TSSPM to this future leasing scenario (based on 100-percent occupancy). The shared parking model predicts a peak demand of 1,034 vehicles, which is expected to occur at approximately 1:00 PM on a Saturday afternoon. The predicted

## WEEKDAY

Land Use	Retail		Office		Restaurant		Pool Hall		TOTAL
SF	197,265		14,440		34,051		8,916		254,672
Pkg. Ratio	Varies		1:250 SF		1:75 SF		1:125 SF		N.A.
Code Reqt.	706.0		57.8		454.0		71.3		1,289
Time	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	Vehicles
7:00 AM	5 %	35.3	25 %	14.4	10 %	45.4	2 %	1.4	97
8:00 AM	20	141.2	80	46.2	20	90.8	2	1.4	280
9:00 AM	30	211.8	100	57.8	25	113.5	20	14.3	397
10:00 AM	40	282.4	100	57.8	30	136.2	25	17.8	494
11:00 AM	50	353.0	100	57.8	75	340.5	35	25.0	776
12:00 PM	75	529.5	80	46.2	85	385.9	40	28.5	990
1:00 PM	85	600.1	75	43.3	75	340.5	45	32.1	1,016
2:00 PM	95	670.7	95	54.9	45	204.3	50	35.7	966
3:00 PM	100	706.0	95	54.9	35	158.9	55	39.2	959
4:00 PM	85	600.1	85	49.1	40	181.6	60	42.8	874
5:00 PM	80	564.8	70	40.4	60	272.4	70	49.9	928
6:00 PM	70	494.2	25	14.4	80	363.2	90	64.2	936
7:00 PM	60	423.6	15	8.7	95	431.3	100	71.3	935
8:00 PM	50	353.0	10	5.8	100	454.0	100	71.3	884
9:00 PM	45	317.7	5	2.9	100	454.0	100	71.3	846
10:00 PM	25	176.5	5	2.9	75	340.5	90	64.2	584
11:00 PM	10	70.6	2	1.2	60	272.4	70	49.9	394
12:00 AM	5	35.3	2	1.2	50	227.0	20	14.3	278
1:00 AM	2	14.1	0	0.0	35	158.9	2	1.4	174
Maximum Demand									1,016

## SATURDAY

Land Use	Retail		Office		Restaurant		Pool Hall		TOTAL
SF	197,265		14,440		34,051		8,916		254,672
Pkg. Ratio	Varies		1:250 SF		1:75 SF		1:125 SF		N.A.
Code Reqt.	706.0		57.8		454.0		71.3		1,289
Time	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	% of Peak	Vehicles	Vehicles
7:00 AM	5 %	35.3	2 %	1.2	10 %	45.4	10 %	7.1	89
8:00 AM	20	141.2	5	2.9	35	158.9	50	35.7	339
9:00 AM	40	282.4	10	5.8	45	204.3	90	64.2	557
10:00 AM	65	458.9	15	8.7	75	340.5	100	71.3	879
11:00 AM	70	494.2	10	5.8	95	431.3	100	71.3	1,003
12:00 PM	60	423.6	10	5.8	100	454.0	95	67.8	951
1:00 PM	75	529.5	15	8.7	95	431.3	90	64.2	1,034
2:00 PM	65	458.9	10	5.8	45	204.3	85	60.6	730
3:00 PM	55	388.3	10	5.8	25	113.5	80	57.1	565
4:00 PM	45	317.7	5	2.9	30	136.2	75	53.5	510
5:00 PM	30	211.8	2	1.2	50	227.0	70	49.9	490
6:00 PM	20	141.2	2	1.2	75	340.5	90	64.2	547
7:00 PM	25	176.5	0	0.0	100	454.0	100	71.3	702
8:00 PM	30	211.8	0	0.0	100	454.0	100	71.3	737
9:00 PM	20	141.2	0	0.0	100	454.0	100	71.3	667
10:00 PM	5	35.3	0	0.0	95	431.3	100	71.3	538
11:00 PM	2	14.1	0	0.0	75	340.5	75	53.5	408
12:00 AM	0	0.0	0	0.0	55	249.7	35	25.0	275
1:00 AM	0	0.0	0	0.0	35	158.9	15	10.7	170
Maximum Demand									1,034

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**APPLICATION OF THE PARKING MODEL**

**HEFFERNAN & ASSOCIATES**

**Exhibit**

**2**

weekday peak demand – which would also occur at approximately 1:00 PM – is slightly lower (1,016 vehicles).

Exhibit 3 shows the relationship between the predicted peak parking demand and the available parking supply. The model predicts that the on-site parking supply (1,132 spaces, after construction of the proposed fuel center) can easily satisfy the expected demand. A nine-percent safety margin (nearly 100 spaces) would still be provided, even during times of peak demand.

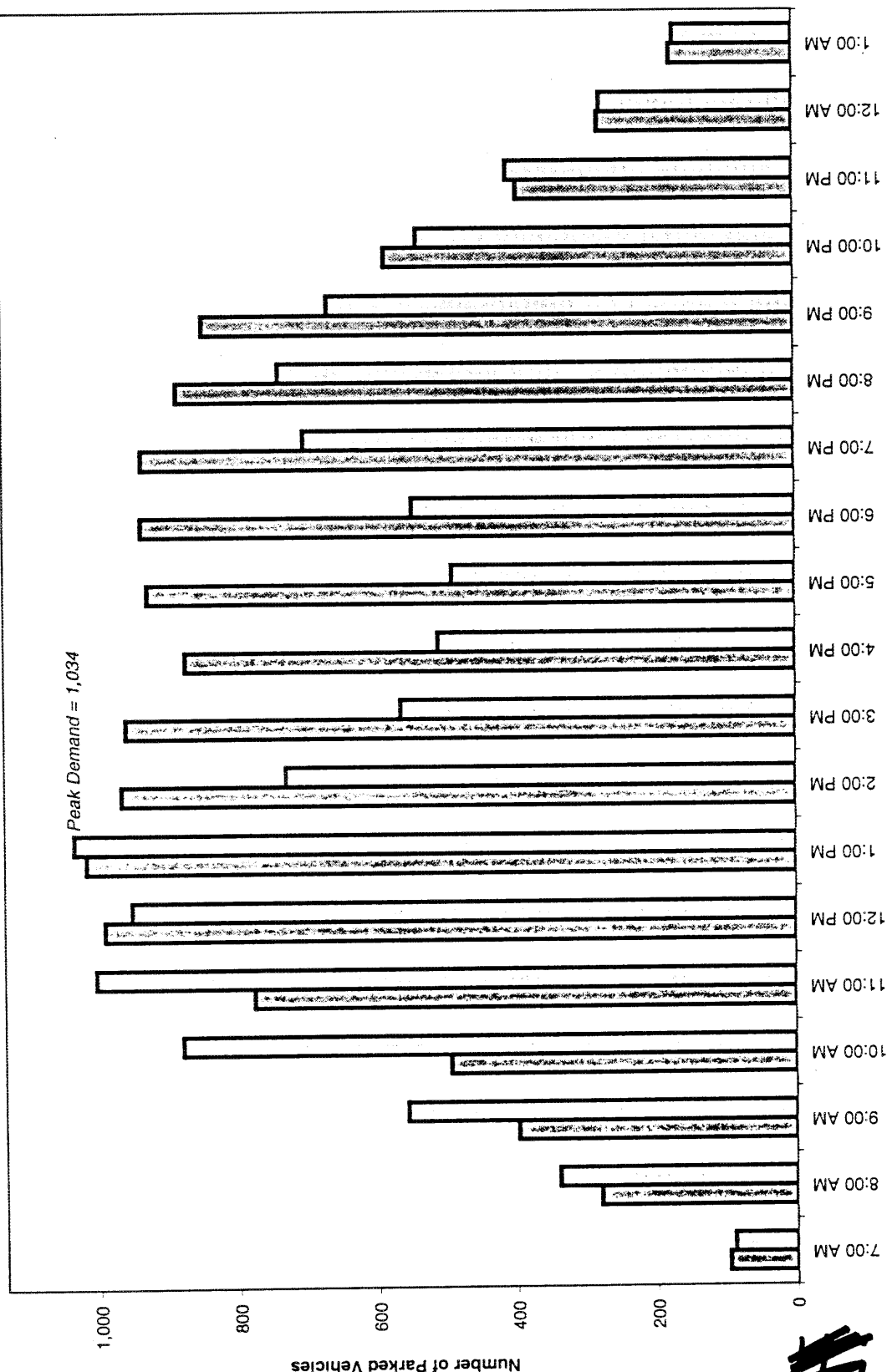
## SUMMARY OF FINDINGS

In 1992, the owner of Southern Palms Center was granted a special use permit allowing parking-by-demand. The minimum amount of on-site parking required is now determined through use of the Tempe Standard Shared Parking Model rather than a strict application of the standard parking ratios in the Tempe Zoning Ordinance. Use of the model affords the owner greater flexibility in leasing, while still ensuring adequate parking for all tenants. The model is used to test all potential tenants wishing to come into the center. As long as the future peak parking demand predicted by the model is less than the amount of parking provided on the site, the owner can lease the space to that particular tenant.

This report presents an updated application of the TSSPM to reflect current conditions at Southern Palms Center. The results indicate that the loss of 20 existing parking spaces (which would occur if the proposed fueling center is built) will not materially affect future parking conditions on the site. There is more than adequate parking available to support a fully-leased center, provided that the owner continues to use the TSSPM to analyze the expected impact of all prospective tenants.

Spaces Provided = 1,132

Peak Demand = 1,034



Time of Day

Exhibit

3

PREDICTED PARKING DEMAND

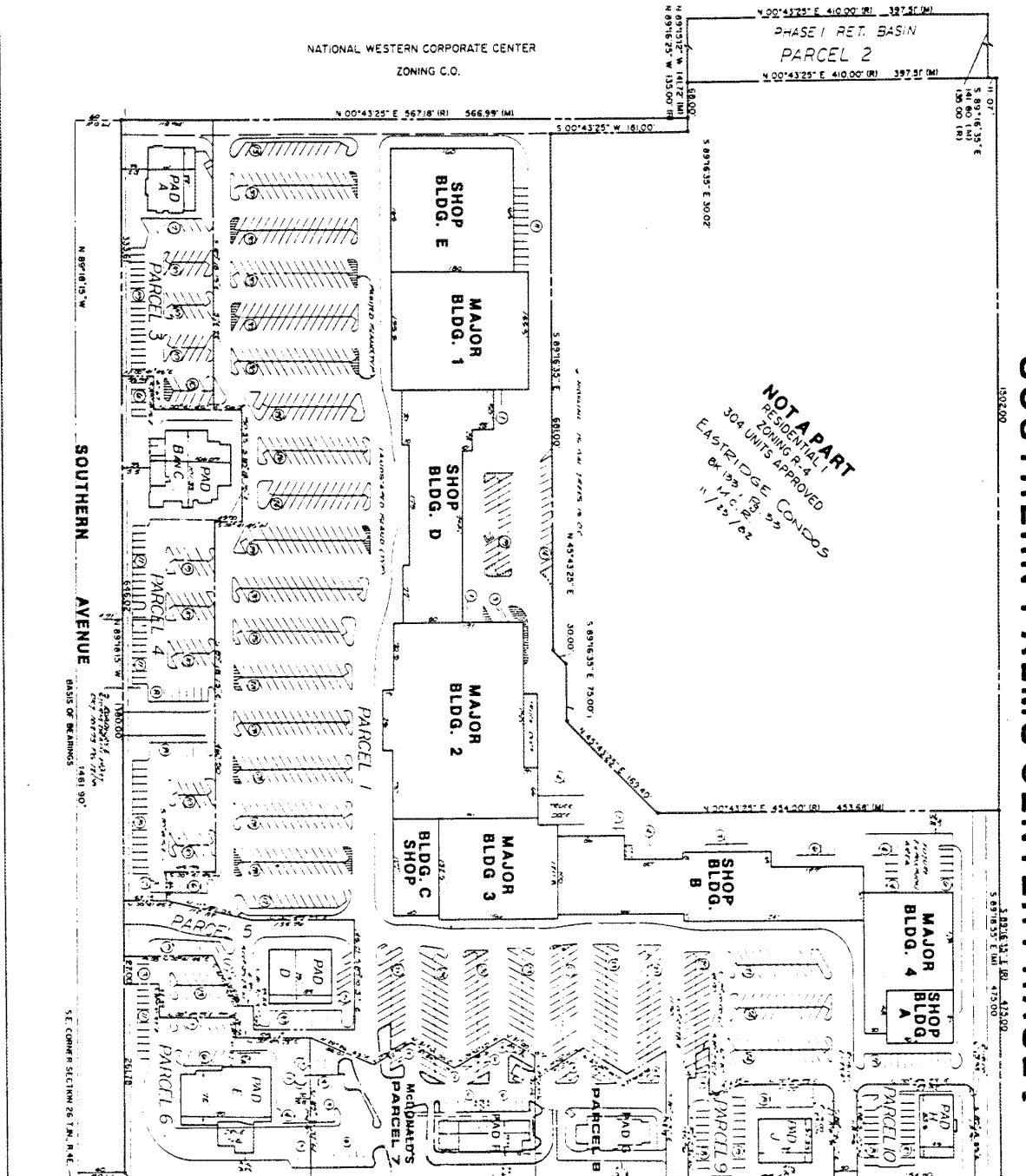
HEFFERNAN & ASSOCIATES

13J





# SOUTHERN PALMS CENTER PHASE I



NOT A PART  
RESIDENTIAL  
ZONING P-4  
304 UNITS APPROVED  
EASTRIDGE CONDOS  
BY 199-153-05  
11/15/02

SCALE 1" = 60'

14a

Legal Description  
for PAD "F"  
McDONALD'S

ALLEN  
CONSULTING  
ENGINEERS, INC.  
SOUTHERN PALMS CENTER PHASE I  
FIFTH AMENDED GENERAL PLAN  
AND FINAL PLAN FOR  
PARCELS 7 & 8

DRAWN BY: J. L. BROWN  
CHECKED BY: J. L. BROWN  
DATE: 01/02/03

On a motion by Commissioner Huellmantel, seconded by Commissioner Oteri, the Commission with a vote of 7-0, continued the following item until 01/09/01

**PLANNED DEVELOPMENT (0406)** Hold a public hearing for **CLUB G** (Rio Salado Courtyard, L.L.C., property owner) for a use permit of a nightclub with live entertainment, DJ and dancing at 1290 North Scottsdale Road. The following approval is requested from the City of Tempe:

**#SGF-2000.76** An Amended General and Final Plan of Development for the Mercado del Rio commercial center, consisting of 57,468 s.f building area on 6.19 net acres at 1290 North Scottsdale Road, including the following:

Use Permit:

Allow a 7,900 s.f. restaurant/nightclub with live entertainment (DJ and Dancing) in the PCC-1 Zoning District.

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**THE PLANNING COMMISSION THEN RETURNED TO THE REGULAR AGENDA.**

**PLANNED DEVELOPMENT (0406)** Hold a public hearing for **FUEL CENTER FOR FOOD 4 LESS** (Center Trust, property owners) for a use permit and three variances to locate a fuel center consisting of 3,404 s.f., on Parcel 4, within Southern Palms Commercial Center (252,505 s.f. total building area for the shopping center on 25.09 net acres) located at 1706 East Southern Avenue. The following approval is requested from the City of Tempe:

**#SGF-2000.70** An Amended General Plan of Development and a Final Plan of Development for Parcel 4, Southern Palms Center Phase I, consisting of a 3,404 s.f. canopy area for a fuel center located at 1706 East Southern Avenue, including the following:

Use Permits:

Allow a fuel dispensing facility in the PCC-2 Zoning District.

Variances:

1. Allow a fuel dispensing facility to be located in an area away from an arterial street intersection.
2. Reduce the minimum required rear yard building setback from 40' to 20' (Parcel 4).
3. Waive the six-foot masonry wall and required six-foot landscape buffer along all interior property lines.

Ryan McFadden represented the applicant and gave a brief history of the site. He believes this site is acceptable and will not affect parking at the center. Mr. McFadden was part of a transition team that came into the project late in November and has not had a chance to speak with the neighbors.

Mr. McFadden continued to explain that it would be impossible to place the fuel center on the corner, due to an existing structure. This should, therefore, be considered a hardship.

Commissioner Vaz asked if adding fuel centers to the food store is a pattern at other sites. Brian Fleming stated that they do not have other locations that have fuel centers but are currently requesting this of other cities.

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The following people spoke on the request:

T. J. Taub – submitted a petition from Park Riviera Townhomes opposing the use due to intense traffic. Ms. Taub is representing herself not the association. Concerned with concentration of traffic directly across from their townhouse entrance.

Joseph Yousem – owner of apartments directly north of the shopping center. Opposes use and feels it detracts from the center. Doesn't want any further underground storage tanks.

Scott Thompson – food and gas uses are not uncommon. Many grocery stores are asking for gas stations.

T. J. Taub – Association hasn't had time to have a meeting and would prefer this case be continued until they have time to meet.

Robert Leone – dangerous along Southern Avenue. Fuel center will increase traffic because it will egress and ingress out of the center's entrance across from the Park Riviera entrance. No one got a notice in the townhouse complex.

Hector Tapia stated that public hearing notices were mailed out to property owners within 300 feet of the site. The area was also posted and advertised in the Tribune.

Mr. McFadden doesn't dispute heavy traffic on Southern Avenue but believes they are capturing customers that have shopped at the center and are exiting the site. Mr. Lake stated that the reason they are adding fuel centers is that a survey of customers showed that a popular additional feature to the grocery store would be a gas station. Mr. Lake stated that his company also owns Rainbow Foods and Century Foods and will be opening fuel centers with their grocery stores.

Hector Tapia reviewed the requirements for a use permit and noted that the use permit is granted to the business owner not the property owner or tenant. The variances are for the use away from the corner and the use permit is a land use issue.

Fred Brittingham gave the history of the pad sites at the center. Public Works does not see this as a huge traffic generator irrespective of turns mention by Ms. Taub.

**MOTION:** Commissioner Spitler made a motion to deny #SGF-2000.70. Commissioner Collett seconded the motion.

Commissioner Collett doesn't feel gas pumps will generate any more of an impact but does not see it as an appropriate use for the area.

Commissioner Huellmantel will vote for denial. Feels contact with neighborhood was an important step. Doesn't believe this use will exist well with the surrounding features.

Commissioner DiDomenico believes this is an overly dense center, yet far less objectionable site than on the other three corners.

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**VOTE:** Passed 6-1 (Commissioner DiDomenico dissented)

Fred Brittingham stated that the applicant will have 7 calendar days in which to appeal this decision to the City Clerk and file the appropriate fees. Mr. Brittingham encouraged the neighbors to call the Planning office to find out when this request would be scheduled for City Council. It will be re-posted and advertised in the Tribune but it will not be re-mailed to property owners.

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**PLANNED DEVELOPMENT (0406)** Hold a public hearing for **HAYDEN FERRY LAKESIDE** (Hayden Ferry Lakeside, LLC) for a Final PAD for Phase II and III on 3.21 net acres located at 24 East Rio Salado Parkway. The following approval is requested from the City of Tempe:

**#SPD- 2000.81** A Final Planned Area Development for Phase II and III consisting of 536,700 s.f. for two office building and 46,300 s.f. retail space, including a parking structure with 2,215 parking spaces (seven levels of parking) on 3.21 net acres, located at 24 East Rio Salado Parkway in the MG Zoning District. This project includes the following:

Variances:

Reduce the minimum bicycle parking required within the Arizona State University commuting area for Phase II and III from 230 spaces to 50 spaces (25 spaces for Phase II and 25 spaces for Phase III).

Grady Gammage represented the request and gave a history of the site. Mr. Gammage noted that the variance has been withdrawn. The demand for office space in Phase I has also generated this request to finalize Phase II and III. Design Review Board approved the project last week. Some of the changes are the refinement on the parking garage, building skins, and landscaping. There have been no changes in square footage or building heights. Mr. Gammage stated that as parking is built out there may be a chance to reduce parking. However, at this time it is the same parking garage size.

The following spoke on the request:

Tom Hornsby – Chairman of Mitchell West Neighborhood Association. Concerned about traffic studies and vehicle impact on downtown and the neighborhood.

Hector Tapia recommended approval of the case.

Mr. Gammage stated that the overall intensity of the project has been fixed since the early 1990's and a full traffic study on site is not before the Commission.

**MOTION:** Commissioner Huellmantel made a motion to approve #SPD-2000.81 and the conditions as noted in the staff report. It should be noted that the variance was withdrawn by the applicant. Commissioner Vaz seconded the motion.

Commissioner Spitler wished the applicant a lot of luck in getting this project off the ground and noted that the project hasn't changed at all since their last review. Believes the Commission will need to look deeper at keeping parking to a minimum.

Commissioner Huellmantel stated that there will be issues the City will need to address.

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